

Name: Alley – Right-of-Way Abandonment

Location: Block 4, Clark's Addition (block bounded by West 23<sup>rd</sup>, West 24<sup>th</sup>, Arch and Gaines Streets)

Owner/Applicant: Various owners/Mildred Randolph

Request: To abandon the 20 foot wide (north/south) alley right-of-way located within Block 4, Clark's Addition.

Purpose: To limit/reduce pedestrian traffic through the alley.

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STAFF REVIEW:

A. Public Need for this Right-of-Way:

As noted in paragraph G., none of the utility companies object to the abandonment request. Several of the utilities request to retain all or part of the area of abandonment as a utility easement. The Public Works Comment is as follows:

1. Easement should be maintained within alley for storm water drainage areas.
2. No residential waste collection service will be provided on private streets or alleys unless the property owners association provides a waiver of damage claims for operations on private property.

B. Master Street Plan:

There are no Master Street Plan issues associated with this abandonment request, as the right-of-way is not classified as a collector street or higher.

C. Characteristics of Right-of-Way Terrain:

The alley right-of-way is paved and drivable. The pavement is deteriorating in a few spots. Several of the owners of the abutting properties utilize the alley right-of-way for vehicular access to the rear of the lots.

D. Development Potential:

The abandonment is proposed in order to construct a fence running perpendicular across the alley (at a point to be agreed to by the abutting property owners) to prohibit pedestrian traffic through the alley. Vehicular access to the rear of the lots will be maintained. The alley right-of-way will need to be retained as an access easement.

E. Neighborhood and Land Use Effect:

There are six (6) single family residences within the west half of the block (five (5) abutting the alley right-of-way). There is a commercial building and four (4) single family residences within the east half of the block.

F. Neighborhood Position:

The Downtown Neighborhood Association was notified of the abandonment request. All adjacent property owners have signed-off on the abandonment request. As of this writing, staff knows of no objectors to the abandonment request.

G. Effect on Public Services or Utilities:

Wastewater: No objection to abandonment. Retain alley right-of-way as an easement for existing sewer main.

Entergy: No objection to abandonment. Retain as easement for existing facilities. Entergy will also require twenty-four (24) hour access to its facilities in this alley for on-going maintenance, restoration and improvement purposes. Vehicular access may be required from time-to-time depending on the nature of the required work. If some type of barrier is used to limit vehicular access to this alley, then it should be removable/ "openable" so that Entergy's employees may move it when emergency access is required.

Centerpoint Energy: No objection to abandonment.

AT&T (SBC): No objection to abandonment. Retain as easement.

Water: No objection to abandonment.

H. Reversionary Rights:

According to an abstract company, there are no reversionary clauses for the subject alley right-of-way.

I. Public Welfare and Safety Issues:

Abandoning this right-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department has reviewed and approved the abandonment request.

SUBDIVISION COMMITTEE COMMENT: (APRIL 9, 2014)

Mildred Randolph was present, representing the application. Staff described the proposed right-of-way abandonment, noting that there were no outstanding issues. The use of the right-of-way after abandonment was briefly discussed.

After the discussion, the Committee forwarded the issue to the full Commission for resolution.

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STAFF RECOMMENDATION:

Staff recommends approval of the request to abandon the 20 foot wide (north/south) alley right-of-way located within Block 4, Clark's Addition, subject to the entire area of abandonment being retained as a utility, drainage and access easement.

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PLANNING COMMISSION ACTION: (MARCH 20, 2014)

Staff informed the Commission that the application needed to be deferred based on the fact that the applicant was in the process of obtaining signatures/consent from two (2) owners of property which abuts the alley right-of-way. Staff recommended deferral to the May 1, 2014 agenda.

The item was placed on the Consent Agenda and deferred to the May 1, 2014 agenda as recommended by staff. The vote was 10 ayes, 0 nays and 1 absent.

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PLANNING COMMISSION ACTION: (MAY 1, 2014)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval, as outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 10 ayes, 0 noes and 1 absent.